

5 440

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed?  No  Yes

If yes, list case number(s):

**FOR OFFICE USE ONLY:** Case Number:

1 WILLIAM J. WHITSITT  
 2 335 W. CLOVER ROAD  
 3 TRACY, CA 95376  
 4 (209) 221-1405  
 5 WHITSITTW@GMAIL.COM

6 IN PROPRIA PERSONA

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 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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7 IN UNITED STATES DISTRICT COURT FOR ~~EASTERN~~ DISTRICT OF CALIFORNIA SACRAMENTO

9 WILLIAM J. WHITSITT  
 10 (PLAINTIFF)

11 -----VS-----

12 Wheatfall # 429 - Alameda County Sheriff

13 A. Garth # 1340 - Alameda County Sheriff

14 Unnamed Police Officer Alameda County Sheriff

15 Tow Operator - Central Towing and Transporting

16 COUNTY OF ALAMEDA SHERIF DEPARTMENT

17 Dublin Police Services

18 UNNAMED DEFENDANTS

19 (DEFENDANTS)

20 C08-02139 BZ

21 ADR

22 **COMPLAINT SECTION 1983  
 FALSE ARREST WRONGFUL  
 TOW FROM OUTSIDE CITY  
 JURISDICTION AND  
 AUTHORITY**

23 NOTICE OF ASSIGNMENT  
 24 TO MAGISTRATE/JUDGE  
 25

26 Comes Now, William J. Whitsitt, a Natural Born Citizen of the United States exercising

27 ~~THE~~ Rights of Sovereignty as We The People. I come to this Court Seeking Full

28 Redress and A Remedy At Law. For Sovereignty of We The People See: CHISHOLM v. GEORGIA

29 (US, 2 Dall 419, 454, 1 L Ed 440, 455 (1793) pp 471-472; BOYD v. STATE OF NEBRASKA, 143 U.S. 135 at 158 (1892)

30 2 Dall 419. I come to this Federal District Court to Seek Remedy for a Towing and Seizing

1 My Private Property under the Color and Guise of State Law, in Violation of Due Process of  
 2 Law. My Private Property was Towed and Seized from the Private Parking area and Private  
 3 Property. The Vehicle Code has NO Jurisdiction upon Private Property. Thus Arrest and Towing  
 4 of Vehicle from Private Property Unlawful. I was Arrested on Private Property for a  
 5 Misdemeanor Traffic Violation.

## **(JURISDICTION)**

8 The Venue is Correct, the City of Dublin is in Territorial Limits and Jurisdiction of the  
 9 Northern District of California.

10 The Subject Matter is Correct, because Section 1983 Grants Statutory Jurisdiction by Act  
 11 of Congress to the U.S. District Court. <sup>1</sup>Original and Federal Question Jurisdiction.

13 I have Standing to Sue because my Federal Rights where Denied under the Color of  
 14 State Law.

15 ``suit arises under the law that creates the cause of action.'' *Id.*, at 8-9, quoting: American Well Works Co. v.  
Layne & Bowler Co., 241 U.S. 257, 260 (1916).

17 See: **§ 1343. Civil rights and elective franchise**

18 Under the Color and Guise of State Law and City Ordinance the Named Police Officer did  
 19 Unlawfully, Wrongfully Seize my Person (Arrest), Seize and Tow my Vehicle (Property) from  
 20 Private Property.

22 Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with  
 23 authority of state law, is action taken "under color of any statute", within this section. Henig v. Odorioso, C.A. 3 (Pa.)  
 24 1967, 385 F.2d 491, certiorari denied 388 U.S. 1269, 390 U.S. 1016, 20 L. Ed.2d 166, rehearing denied 388 U.S.  
 25 Ct. 1814, 391 U.S. 929, 20 L. Ed.2d 671. See, also, Basista v. Weir, C.A. 3 (Pa.) 1965, 340 F.2d 74; Baldwin v.  
Morgan, C.A. Ala.1958, 251 F.2d 780; Geach v. Moynahan, C.A. Ill.1953, 207 F.2d 714; Pickling v. Pennsylvania  
R. Co., C.C.A. Pa.1945, 151 F.2d 240, rehearing denied 152 F.2d 753; Nugent v. Sheppard, D.C. Ind.1970, 318  
 26 F. Supp. 31

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 28 <sup>1</sup>28 U.S.C. Section 1343 (3)

1 Misuse of Power Under the Color of State Law (California Vehicle Code) Qualifies  
2 Section 1983 Civil Rights Jurisdiction.

3 **(CAUSES OF ACTION UNDER SECTION 1983)**

4  
5 Here is a Brief List of all Claims for Cause of Action under Section 1983. All Claims  
6 are Actions taken Under the Color of State of California Law (Vehicle and Penal Code). Thus,  
7 creating Causes of Action under Section 1983.  
8

- 9 \* **(# 1.) - (WRONGFUL TOW OF MY VEHICLE FROM OUTSIDE OF COUNTY**  
**AND CITY JURISDICTION).**
- 10 \* **(# 2.) - (FALSE ARREST AND CITY OF DUBLIN JURISDICTION).**
- 11 \* **(# 3.) - (FALSE IMPRISONMENT).**
- 12 \* **(# 4.) - (ACTION UNDER THE COLOR OF STATE LAW).**
- 13 \* **(# 5.) - (DENIAL OF THE RIGHT TO TRAVEL).**
- 14 \* **(# 6.) - (FALSE IMPRISONMENT BY ALAMEDA COUNTY SANTA RITA JAIL).**

15 I brings all the Above Causes of Action to the Court for Remedy At Law.  
16

17 **(# 1.) - WRONGFUL TOW OF MY VEHICLE FROM OUTSIDE COUNTY AND**  
**CITY JURISDICTION PRIVATE PROPERTY.**

18 I have <sup>2</sup>Several Witnesses not including myself that the Police Stop took place almost  
19 a Half mile within Contra County and the City of San Ramon California. The Stop was  
20 outside the County of Alameda and City of Dublin California's Lawful Territorial Boundaries and  
21 Jurisdiction. The Argument that I Committed a Traffic Violation in their Presence is Not Valid.  
22 At first the Police Officer stated that could not read the Old Original License Plate. It had  
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28 <sup>2</sup>Steve Swift, Rick Lincoln, Michael Swift, myself.

1 a April Temporary Sticker in the back Window. The License Plate has a 2009 Current  
2 registration Sticker on it. The <sup>3</sup>Police Officers said he was able to Read my License Plate then.  
3 He then stated I believe you have a Stop Light out. This is totally Wrong because I just  
4 checked all the Lights: Stop Lights, Turn Indicators and Head Lights just within the last half  
5 Hour to make sure everything was working and they where. Thus the old Your Stoplight is  
6 Out, Excuse for Probable Cause is Not Valid. Let Notice be taken, here I was Not Cited for  
7 the Supposed Stop Light being out. It was Lie to Establish Probable Cause. I Demanded that  
8 the Police Officer prove to me that my Stop Light was out. They Refused. The Reason they  
9 Refused to prove me that Stop Light was out was that it was working. Police Officers are  
10 Known Liars under Oath. The Police Officer's Just had to Create a Probable Cause and Excuse  
11 for the Unlawful Stop. They had to make up some Excuse for Probable Cause. See: **Berkemer**  
12 **v. McCarthy, No. 83-710, decided July 2, 1984. See also Adams v. Williams, 407 U.S. 143, 148 and Terry v. Ohio, 392**  
13 **U.S. 34.** The Police Officers where actually looking for Michael Swift who Owned that Dodge  
14 Pick Up Truck for many years and was Harassed, Stopped without Justification, Searched and  
15 Never Charged for any Real Crime. See: **(Affidavit from Michael Swift).** The Dublin Police  
16 Officers even asked Michael Swift what happened to the Dodge Pick up Truck a couple of  
17 weeks earlier.  
18  
19 There was No Legitimate Probable Cause for the Stop other then Thinking they where  
20 Stopping Michael Swift, and to Harass him.  
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24 <sup>3</sup>Alameda County Sheriff Deputies: Whithall # 429; A. Grarth # 1340, who are contracted with the city of Dublin Police Services.  
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1 The Stop took place Clearly outside of City Limits and County of Alameda Jurisdiction.

2 Thus, Acting Outside of Their Lawful Jurisdiction and Police Power Authority from the City  
3 of Dublin California. Thus, Clearly Establishing a Claim and Cause of Action Under Section  
4 1983. I have Clear Established my Constitutional Right against Unlawful Stops outside of City  
5 of Dublin Police Jurisdiction.

6  
7 Henig v. Odoroso, C.A. 3 (Pa.) 1967, 385 F.2d 491, certiorari denied 88 S. Ct. 1269, 390 U.S. 1016, 20 L. Ed.2d  
8 166, rehearing denied 88 S. Ct. 1814, 391 U.S. 929, 20 L. Ed.2d 671. See, also, Basista v. Weir, C.A. 3 (Pa.)  
9 1965, 340 F.2d 74; Baldwin v. Morgan, C.A. Ala.1958, 251 F.2d 780; Geach v. Moynahan, C.A. Ill.1953, 207  
F.2d 714; Pickling v. Pennsylvania R. Co., C.C.A. Pa.1945, 1 51 F.2d 240, rehearing denied 152 F.2d 753; Nugent  
10 v. Sheppard, D.C. Ind.1970, 318 F. Supp. 314;

11 The City of Dublin Police Services and Alameda County Sheriffs Department must Except  
12 Responsibility and Liability also because they have Contracted their Police Services and Liability  
13 to Suit. The Respondent Superior Doctrine is Not being Applied here because of Contractual  
14 Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs  
15 Department.

16  
17 Let Judicial Notice be taken, here that **Central Towing** (Towing Agency) Seized, Towed  
18 and Stored my Vehicle and is a Named Defendant and Co-Conspirator. The Tow Operator had  
19 to have Known that the Vehicle he was Towing was outside of the City of Dublin's Authority  
20 and Jurisdiction. He must have Known that he was in Contra Costa County and the City of  
21 San Ramon's Jurisdiction. The Tow Operator was a Co-Conspirator Acting under the Color of  
22 State Law. See: Bunkley v. Watkins, C.A. 5 (Fla.) 1978, 567 F.2d 304. See Also: Weinrauch v. Park City, CA  
23 10 (Utah) 1984, 751 F.2d 357. The Tow Operator acted as an Agent and Participated in Action under  
24 the Color of State Law. He must have Known and he acted in Deprivation and Violation of  
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1 my Civil and Constitutional Rights. He the Tow Operator did Tow and Seize my Vehicle  
 2 (Private Property) under the color and guise of State Law. Private Citizens and Tow Operators  
 3 who act with and as Agents of Police and other State or City Agencies are acting under the  
 4 color of State Law. See: Bim v. Artison, E.D. Wis.1989, 721 F. Supp. on subsequent appeal 924 F.2d 1061 on  
 5 remand 764 F. Supp. 129. The Tow Operator has No Common Law Immunity whatsoever. The Tow  
 6 Operator and Tow Company are all Liable for their Acts under the Color of State Law.  
 7 The Very minute the Tow Operator took Possession of and Seized and Towed my Vehicle  
 8 (Private Property) without Probable Cause and Fourth Amendment Seizure Warrant, he became  
 9 a Co-Conspirator with the City of <sup>4</sup>Dublin Police Officers. Thus, the Tow Operator assumes  
 10 Personal Liability as does the Individually Named Police Officers.

11 Let Notice be Taken here I did warn the Police Officer's that they where Clearly outside  
 12 their Lawful Jurisdiction and Authority by Stopping me and Seizing of my Vehicle in Contra  
 13 Costa County. I Clearly Established a Violation and Deprivation of my Civil and Constitutional  
 14 Rights. See: Saucier v. Katz, (U.S. 2001), 533 U.S. 194, 121 S. Ct. 2151, 150 L. Ed. 2d. 272; Wilson v. Layne, (U.S. Md.  
 15 1999) 526 U.S. 603, 119 S. Ct. 1692, 143 L. Ed. 2d 818.; P.B. v. Koch, C.A.9 (Idaho) 1996, 96 F.3d 1298.

16 **(# 2.) - FALSE ARREST FROM OUTSIDE OF COUNTY OF ALAMEDA  
 17 AND CITY OF DUBLIN JURISDICTION.**

18 I was Falsely Arrested from the City of San Ramon And Contra Costa County Under  
 19 the color of State Law for Vehicle Code Violation Clearly Outside of Alameda County and City  
 20 of Dublin Jurisdictional Boundaries by. Clearly outside of their Lawful Police Power Jurisdiction.

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<sup>4</sup>Alameda County Sheriff Deputys: Whithall # 429; A. Grarth # 1340, who are contracted with the city of Dublin Police Services.

1 Thus establishing a Clearly Established Constitutional Right and Clear Claim of Violation of my  
2 Civil Rights against Unlawful Arrest and Seizure of my Person under the Fourteenth Amendment.  
3  
4 I was Falsely Arrested without without Probable Cause outside of their Lawful Jurisdictional  
5 Police Power Boundaries of Authority. The Named Dublin Police Officers Never called San  
6 Ramon or Contra Costa County for Jurisdictional Permission to Arrest me in San Ramon and  
7 Contra Costa County Jurisdiction. Thus, a False Arrest and False Imprisonment.  
8

9 The Dublin City Police Officers must have Known that their Acts, Action, Omission and  
10 False Arrest where Clearly in Violation thereof and a Deprivation of my Civil and Constitutional  
11 Rights. **I Clearly Objected to their Authority and Jurisdiction to Arrest outside Alameda**  
12 **County and City of Dublin Boundaries.** Thus a Clearly I established my Constitutional Civil  
13 Rights where being Violated and or Deprived. Probable Cause for Arrest for California Vehicle  
14 Code or Penal Code Violation Authority does NOT Outside the Alameda County and Dublin City  
15 Limits. Thus Seizure of my Person was Unlawful, Unconstitutional and a Deprivation and  
16 Violation thereof my Civil and Constitutional Rights to Personal Liberty, to be Free from  
17 Restraint and Unlawful Imprisonment and or Arrest. This Right to Freedom from Restraint is  
18 Protected beyond the Due Process of Law clause of the Fourteenth Amendment. It Guaranteed  
19 by the Fourth, Fifth, Fourteenth, Ninth and the Privilege and Immunities Clause of the Federal  
20 Constitution. See: Edwards v. California, 314 U.S. 160, 177, 181 (1941). I have the Inalienable Constitutional  
21 and Civil Right to be Free in my Person. See: NEW YORK CITY BD. OF ESTIMATE v. MORRIS, 489 U.S.  
22 688 (1989); MASSACHUSETTS BD. OF RETIREMENT v. MURGIA, 427 U.S. 307.  
23  
24

25 The INALIENABLE Constitutional and Civil Right to be Free from Arrest and Seizure  
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1 of my Person is beyond the Right to Personal Liberty, it is Guaranteed by the Fourth  
2 Amendment as well: Henry v. United States, 361 U.S. 98 (1959); Johnson v. United States, 333 U.S. 10, 16-17  
3 (1948); Sibron v. New York, 392 U.S. 40, 62-63 (1968).

4 Thus, I could Not have committed a Misdemeanor in the Deputy Sheriff's sight, to  
5 Establish Probable Cause. Thus, establishing False and Unlawful Arrest in Excess of Lawful  
6 Authority and Jurisdiction and Creating a Claim and Cause of Action under the Color of State  
7 Law (Section 1983) See: *Id.* (quoting Terry v. Ohio, 392 U.S. 1, 19 n.16 (1968)).

8 The City of Dublin Police Services and Alameda County Sheriffs Department must Except  
9 Responsibility and Liability also because they have Contracted their Police Services and Liability  
10 to Suit. The Respondent Superior Doctrine is Not being Applied here because of Contractual  
11 Obligation and Liability by the City of Dublin Police Services and Alameda County Sheriffs  
12 Department.

13 I was Clearly Arrested and Seized from my Freedom and Told that I am Being Arrested  
14 and Not Free to go on my way. The Named Police Officers Authority and Probable Cause  
15 to Stop me Could Not have Lawfully Happened in another County and City Limits. There was  
16 Chase and they where not in Pursuit when I was Stopped in Contra Costa County. Alcosta  
17 Blvd. is Not within Alameda County and the City of Dublin's Jurisdiction. I was Stopped  
18 about 3/8 Miles further East into Contra Costa County and city of San Ramon. The Arrest and  
19 Seizing of my Person was Unlawful and in Violation of the Fourth and Fourteenth Amendments.

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27 Police officers, whose important duty to protect the public may involve deprivations of liberty through arrests, are  
28 entitled only to qualified immunity, Scheuer, 416 U.S. at 245, 94 S. Ct. at 1691.

1  
2 False Arrest and Seizing of my Person Outside of City of Dublin and Alameda County  
3 Jurisdiction and Authority Creates Cause of Action under Section 1983. A Police Officer has  
4 No Qualified Immunity when they Act absent or outside of Their Lawful Authority and  
5 Jurisdiction. Thus Clearly Establishing a Violation of and Deprivation of my Civil and  
6 Constitutional Rights. My Right to Freedom from Unlawful Arrest is Clearly Established Civil  
7 Right. See: Saucier v. Katz, (U.S. 2001), 533 U.S. 194, 121 S. Ct. 2151, 150 L. Ed. 2d. 272; Wilson v. Layne, (U.S. Md.  
8 1999) 526 U.S. 603, 119 S. Ct. 1692, 143 L. Ed. 2d 818.; P.B. v. Koch, C.A.9 (Idaho) 1996, 96 F.3d 1298.  
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11 Let Notice be Taken here that Alcosta Blvd is 20 feet beyond the City of Dublin and  
12 Alameda County Jurisdictional Boundary Limits. The City of Dublin Police Officers have No  
13 Authority and our Jurisdiction to be on Alcosta Blvd. Whatever. This Police Traffic Stop was  
14 initiated 1000 feet on Davona Drive at Interlachen Ave is over 3/8 mile in Contra Costa  
15 County and the City of San Ramon California. The Boundary is about 20 feet before Alcosta  
16 Blvd. at the Closet and it not within Dublin Police Power Authority and Jurisdiction at any  
17 point. Dublin Police have No Business, Authority, or Jurisdiction whatsoever on Alcosta Blvd.  
18 This makes a Clear and Convincing Argument of False Imprisonment Cause of Action. The  
19 Police Officers where Clearly Outside of their Lawful Jurisdiction and Police Power Authority.  
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22 Let Notice be Taken, here that absent Lawful Jurisdiction and Authority Clearly Denies  
23 and Violates Qualified Immunity. The City of Dublin Police Officers have No Jurisdiction  
24 whatsoever outside Alameda County and the city of Dublin City Jurisdictional Boundaries. Thus,  
25 No Immunity or Good Faith Claims Whatever.  
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**(# 3.) - FALSE IMPRISONMENT.**

The Named Police Officers **§(Wheatfall # 429, A. Garth # 1340,**) Did

False Imprison me at Santa Rita County Jail (Alameda County). Thus Responsibility of False Imprisonment falls on Alameda County and the City of Dublin California. Since I was Imprisoned at Santa Rita which is Owned and Operated by the County of Alameda and its within the City of Dublin California's Property, Thus, Alameda County and the City of Dublin California share Liability. Let also Judicial Notice be taken here, that the Named Police Officer is an Alameda County Sheriff Deputies. Thus establishing a Cause of Action against the City of Dublin California and Alameda County.

The City of Dublin Police Services and the Alameda County Sheriff's Department held and Falsely Imprisonment of my Person. I was Held for Misdemeanor Traffic Warrant. The Police Officers Clearly acted outside their City of Dublin and County of Alameda Lawful Authority and Jurisdiction. I was Stopped well outside of the City of Dublin and Alameda County Jurisdictional Limits. No Probable Cause for a Traffic Stop could ever exist outside the City of Dublin and Alameda County Jurisdictional Boundary Limits. A Police Officer who is Contracted under the City of Dublin Police Power Authority, does Not have that Authority in the City of San Ramon and Contra Costa County. That Shared Jurisdiction between 2 Counties Does Not Exist. The Excuse (Lie) for Probable Cause (Stop Light) out was Not TRUE. I had checked all my Lights within the last Half Hour. I was Not even Cited for that Police Traffic

<sup>5</sup> Alameda County Deputy Sheriff Officers contracted to the Dublin Police Services.

1 Stop. The Police Officer first Stated I was Stopped because they could Not read my License  
2 Plate. That is why they Stopped me they first stated. Then after about 20 minutes of Checking  
3 my License Plate they then stated Oh your Stop was not Working. I Demanded that they Prove  
4 that to me. They just Laughed and Refused. They both said your Stop Light was out. I said  
5 that is Impossible because I just Checked all my Lights within the last 30 Minutes and they  
6 where all working. They again Refused to Show me that the Stop Light was out. I was  
7 Handcuffed behind my Vehicle about 30 feet when this event Happened. I was Held Over  
8 45 minutes while they did a Warrant Check, before I was Arrested and Put into the Police  
9 Vehicle. They Never Cited me for the Stop light being out. Thus, No Proof of Probable Cause  
10 Exists.

14 Police Officers thought that they where Pulling Over Michael Swift who owned the  
15 Vehicle before me. I had just bought it from him in December of 2007. In fact they had  
16 asked Michael Swift what happened to the Dodge Pick Up Truck just about a week earlier.  
17 The Dublin and San Ramon Police have the Habit of Harassing and Stopping Michael Swift  
18 with about 100 Police Stops in 7 years, and never once was he Arrested for any crime.  
19 Police officer: (A. Garth # 1340), I believe was one of the Policemen Mike stated asked who  
20 asked him about what happened to the Dodge Pick up Truck. I believe I was mistakenly  
21 stopped because the Police Officers thought they where Stopping Michael Swift to Harass him.  
22  
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25 There was No Real Probable Cause for that Traffic Stop, it was an Unlawful Stop in  
26 another City and County's Jurisdiction without Probable Cause. I Subsequently was Arrested and  
27 my Vehicle was Seized (Impounded) for (30) Days without Probable Cause and Seizure Warrant  
28

1 in Violation of the Fourth and Fourteenth Amendments. I was Falsely Imprisoned without  
2 Probable Cause and Served Unlawfully a Misdemeanor Traffic Was and Held in Violation of  
3 the Fourth and Fourteenth Amendments.  
4

5 a warrant less arrest must be supported by probable cause. See: United States v. Vazquez-Pullido, 155 F.3d 1213,  
6 1216 (10th Cir.), cert. denied , 119 S. Ct. 437 (1998). See also: Brown v. Texas, 443 U.S. 47, (1979).

7 "Where police lack probable cause to make arrest, arrestee has claim under § 1983 for false imprisonment based  
8 on detention pursuant to that arrest." Groman v. Township of Manalapan, 47 F3d 628 (3<sup>rd</sup> Cir. 1995).

9 An Unlawful Traffic Stop outside of City and County Authority and Jurisdictional Limits  
10 makes the Subsequent Arrest of my Person and Tow and Seizing of my Vehicle and (30) Day  
11 Hold upon my Vehicle (Private Property) Establishes a Clear Constitutional and Civil Right  
12 Violation and Deprivation. It further Establishes a Clear Cause of Action under Section 1983.  
13 The Named Police Officers has to have and must have Known that acts where Unlawful and  
14 in Violation of the Fourth and Fourteenth Amendments.  
15

16 Let Notice be Taken here that Alcosta Blvd is 20 feet beyond the City of Dublin and  
17 Alameda County Jurisdictional Boundary Limits. The City of Dublin Police Officers have No  
18 Authority and our Jurisdiction to be on Alcosta Blvd. Whatsoever. This Police Traffic Stop was  
19 initiated 1000 feet on Davona Drive at Interlachen Ave is over 3/8 mile in Contra Costa  
20 County and the City of San Ramon California. The Boundary is about 20 feet before Alcosta  
21 Blvd. at the Closet and it not within Dublin Police Power Authority and Jurisdiction at any  
22 point. Dublin Police have No Business, Authority, or Jurisdiction whatsoever on Alcosta Blvd.  
23 This makes a Clear and Convincing Argument of False Imprisonment Cause of Action. The City  
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1 of Dublin Police Officers have No Jurisdiction whatsoever outside Alameda County and the city  
2 of Dublin City Jurisdictional Boundaries. Thus, No Immunity or Good Faith Claims Whatsoever.  
3  
4 Absent Jurisdiction and Authority makes the Police Officer's Stop, Arrest of my Person and  
5 Seizure of my Vehicle (Private Property) and Subsequent Hold for (30) days Unlawful and in  
6 Violation of Fourth, Fourteenth Amendments and Section 1983.

7 **(QUALIFIED IMMUNITY)**  
8

9 The Named Police Officers (Sheriffs Deputies) cannot Claim Qualified and or Good Faith  
10 Immunity as a Defense. I Clearly Objected and Established my Civil and Constitutional Rights  
11 and that the Named <sup>6</sup>Officers was Arresting me and Seizing my Person and Vehicle Property  
12 from outside of their Lawful Jurisdiction and Authority.  
13

14 Let Notice be Taken here that Alcosta Blvd is 20 feet beyond the City of Dublin and  
15 Alameda County Jurisdictional Boundary Limits. The City of Dublin Police Officers have No  
16 Authority and our Jurisdiction to be on Alcosta Blvd. Whatsoever. This Police Traffic Stop was  
17 initiated 1000 feet on Davona Drive at Interlachen Ave is over 3/8 mile in Contra Costa  
18 County and the City of San Ramon California. The Boundary is about 20 feet before Alcosta  
19 Blvd. at the Closet and it not within Dublin Police Power Authority and Jurisdiction at any  
20 point. Dublin Police have No Business, Authority, or Jurisdiction whatsoever on Alcosta Blvd.  
21 This makes a Clear and Convincing Argument of False Imprisonment Cause of Action. The City  
22 of Dublin Police Officers have No Jurisdiction whatsoever outside Alameda County and the city  
23 of Dublin City Jurisdictional Boundaries. Thus, No Immunity or Good Faith Claims Whatsoever.  
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28 <sup>6</sup>Wheatfall # 429, A. Garth # 1340, and ( )

1 Absent Jurisdiction and Authority makes the Police Officer's Stop, Arrest of my Person and  
 2 Seizure of my Vehicle (Private Property) and Subsequent Hold for (30) days Unlawful and in  
 3 Violation of Fourth, Fourteenth Amendments and Section 1983. There is No Question and it  
 4 is Very Clear that Qualified Immunity Defense is NOT Available to Police Officers who  
 5 Deliberately, Wantonly and Knowingly Violate their Lawful Authority and Jurisdiction and Law.  
 6 Police Officers who Deliberately Violate their Lawful Jurisdiction and Authority and Violate the  
 7 Law have NO Qualified Immunity Claim whatsoever. See: P.B. v. Koch, C.A.9 (Idaho) 1996, 96 F.3d 1298.  
 8

9 See Also: Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982); P.B. v. Koch, C.A.9 (Idaho) 1996, 96 F.3d 1298.

10 See also: Herb Hallman Chevrolet, Inc. v. Nash-Holmes, No. 97-15275, 1999 WL 104736 (9th Cir. Mar. 3, 1999); Anderson v. Creighton, 483 U.S. 635 (1987); Allen v. Sakal, 48 F.3d 1082, 1087 (9th Cir. 1994).

11 When Police Officers Break the Law and Violate their Jurisdictional Boundaries and  
 12 Authority they Law Breakers and Reduced to Common Criminals acting under the Color and  
 13 Guise of State Law and City Police Powers. Every Police Officer must Know where their their  
 14 City and County Jurisdictional Boundaries lie. There is No Excuse of Good Faith for acting  
 15 outside of Lawful Jurisdictional Boundaries of Authority of City and County Police Powers.  
 16 Thus, Clearly Established Constitutional and Civil Right Violated. See: Wilson v. Layne, (U.S. Md. 1999)  
 17 526 U.S. 603, 119 S. Ct. 1692, 143 L. Ed. 2d 818. see also: Saucier v. Katz, (U.S. 2001), 533 U.S. 194, 121 S. Ct. 2151,  
 18 150 L. Ed. 2d. 272.

19 The Police Officers cannot Claim Acting in Good Faith when they Clearly Acted Outside  
 20 of City of Dublin and Alameda County Jurisdictional Boundaries of Police Power Authority. This  
 21 is Not Acting within the Outer Limits of their City of Dublin and County of Alameda Police  
 22 Power Authority and Jurisdiction.

1 Qualified Immunity protects public officials when "their conduct does not violate clearly established statutory or  
 2 constitutional rights of which a reasonable person would have known." Harlow v. Fitzgerald, 457 U.S. 800, 818  
 (1982).

3 Their can be No Claims of Acting within Good Faith, because the Officers had to have  
 4 Known where their Jurisdictional Boundaries are at. They had to have Known their City Limits  
 5 and Jurisdictional Boundaries. Good Faith cannot endure a Clearly Marked Jurisdictional Boundary.  
 6

7 The Argument that they are Alameda County Sheriffs Deputies Contracted to work for  
 8 the City of Dublin California and thus can transcend City Boundaries is Not Valid Argument  
 9 here. The City Boundary is also the Alameda - Contra Costa County Boundary. That Boundary  
 10 is Clearly 20 feet beyond the Sidewalk of Alcosta Blvd. and not within the City of Dublin  
 11 and Alameda County Jurisdiction. They lack the Jurisdictional Boundary Authority to even Patrol  
 12 Alcosta Blvd at any Point. They made No Call to the City of San Ramon and Contra Costa  
 13 County seeking Temporary Permission and Jurisdiction; to Stop me for a Traffic Stop, in that  
 14 other City and County's Jurisdiction. Thus, failure of Subjective Good Faith Tests and further  
 15 denial of Qualified Immunity. See: Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982), 102 S. Ct. at 2739.

19 I Guess the Named Police Officer's must have thought I would Not have Noticed that  
 20 they where Clearly outside of their Lawful Authority and Jurisdictional Boundary. They have  
 21 Obviously thought wrong. The Transcending of City and County Boundaries of Police Power  
 22 Authority and Jurisdiction is Clear and Convincing Violation, Deprivation of my Clearly  
 23 Established Constitutional and Civil Rights. There is No Immunity for Violating the Clearly  
 24 Established City Police Power Authority and Jurisdictional Boundaries.  
 25

27 The Excuse (Lie) for Probable Cause (Stop Light) out was Not TRUE. I had checked  
 28

1 all my Lights within the last Half Hour. I was Not even Cited for that Police Traffic Stop.  
2  
3 The Police Officer first Stated I was Stopped because they could Not read my License Plate.  
4 That is why they Stopped me they first stated. Then after about 20 minutes of Checking my  
5 License Plate they then stated Oh your Stop was not Working. I Demanded that they Prove  
6 that to me. They just Laughed and Refused. They both said your Stop Light was out. I said  
7 that is Impossible because I just Checked all my Lights within the last 30 Minutes and they  
8 where all working. They again Refused to Show me that the Stop Light was out. I was  
9 Handcuffed behind my Vehicle about 30 feet when this event Happened. I was Held Over  
10 45 minutes while they did a Warrant Check, before I was Arrested and Put into the Police  
11 Vehicle. They Never Cited me for the Stop light being out. Thus, No Proof of Probable Cause  
12 Exists. **They had to Invent Probable Cause to Justify the Traffic Stop.** They thought that they  
13 Pulled Over Michael Swift so they could Harass him. Michael has a Valid Driver's License  
14 and his Vehicles are all Registered. He really did Not do anything wrong, the Police just loved  
15 to harass him.  
16  
17

18 **Let Notice be Taken here, that I have <sup>7</sup>3 Witnesses that the Police Traffic Stop did**  
19 **occur in the City of San Ramon and Contra Costa County. Let Notice also be taken here,**  
20 **that Steve Swift my Friend offered to Drive my Vehicle to his House so it would Not**  
21 **be Towed, and the Lady Police Officer Refused that Offer.**  
22  
23

24 Thus, Clearly Violation an Established Constitutional and Civil Right and Violating  
25

---

26  
27  
28 <sup>7</sup>Steve Swift, Rick Lincoln, Michael Swift.

1 Qualified Immunity. The Police Officers Named, Clearly Intentionally, Deliberately, Wantonly and  
2 Knowingly wanted to Violate, Deprive my Constitutional and Civil Rights.

3 **(# 4.) - CONSPIRACY UNDER THE COLOR OF LAW.**

4  
5 I must also bring the Claim of Actions under the Color of State Law Pursuant to a  
6 Conspiracy. The Named Defendants all acted Pursuant to a Contractual Agreement in acts,  
7 Actions of Actual Deprivations and Violations of my Civil and Constitutional Rights. They all  
8 Acted in Agreement Pursuant to the Same Conspiracy. They acted with the Same Agreement  
9 and Pursuant to the Same Deprivation and Violation of my Civil and Constitutional Rights  
10 under the Color of State Law. See: Lawline I. v. American Bar Ass'n, N.D. Ill. 1990, 738 F. Supp. 288,  
11 affirmed 956 F.2d 1378, certiorari denied 114 S. Ct. 551, 126 L. Ed.2d 452.  
12  
13

14 The Evidence of a Conspiracy here the Police (Sheriff's Deputy) Stopped me and  
15 Arrested and Seized my Person upon Private Property then Called the Tow Company CENTRAL  
16 TOWING AND TRANSPORTING and Unnamed Tow Operator who Seized and Towed my  
17 Vehicle Property. This was all Carried out with the City of Dublin Agreement with the  
18 Property Owners to provide Police Services (Security) for Private Property. The County of  
19 Alameda Deputy Sheriffs are Contracted to the City of Dublin Police Services.  
20  
21

22 All the Named Defendants did Act Pursuant to a Conspiracy to Deny, Deprive and  
23 Violate my Constitutional and Civil Rights under the Color of State Law or City Ordinance.  
24  
25

**(# 5.) - DENIAL OF THE RIGHT TO TRAVEL.**

26 Denial of the Inalienable Right to Travel and Use the Public Roads and Highways for  
27 the Right to Private Travel. This is a Very Controversial Subject of Right- Privilege to Drive  
28

1 upon the Public Roads and Highways for Private Travel. But Never the Less it must be  
 2 brought up for Discussion and Review and this Court must Address this issue. The Right to  
 3 Travel upon the Public Roads and Highways is Inalienable Right that is Subject to Safety  
 4 Regulations and Not Conditions of Use thereof. See: Packard v. Banton, 264 U.S. 140, 144 44 S. Ct. 257,  
 5 68 L. Ed. 598. What good is the Inalienable Constitutional and Civil Right to Travel if I the  
 6 State of California can Condition that Right to a Driver's License Privilege? What Good is  
 7 the Right to Use the Public Roads and Highways when the Right to Drive my Vehicle upon  
 8 them is Conditioned upon a Driver's License Privilege, that can be Suspended, Revoked and  
 9 Conditioned as the California Legislature deems Proper or Necessary. The Right to Use of the  
 10 Public Roads Highways for Private Travel is Not a State Granted Privilege. It is an  
 11 Inalienable Constitutional and Civil Right of National Citizenship. See: Vandalia R. R. Co. v. Public  
 12 Service Commission, 242 U.S. 255 , 37 S. Ct. 93; Missouri Pacific Ry. Co. v. Larabee Flour Mills Co., 211 U.S. 612 , 29  
 13 S. Ct. 214. (Emphasis Added). The U.S. Supreme Court called it a Right and a Privilege and  
 14 Immunities of National Citizenship. See: United States v. Guest, 383 U.S. 745, 757-758 (1966). This Right  
 15 to Travel and The Right to Drive upon the Public Roads and Highways must be Addressed.  
 16

17 My Right to Use the Public Roads and Highways in a Safe Manner is Partaking a Right  
 18 to Personal Liberty which is Not a State of California Granted Privilege. The Right to Personal  
 19 Liberty includes the Right to Use the Public Roads and Highways for Private Travel. This is  
 20 a Right that is Protected and Guaranteed by the Fourteenth Amendment.  
 21

22 "The right to travel is a part of the 'liberty' of which the citizen cannot be deprived without due process of law under  
 23 the Fifth [and Fourteenth Amendments]. ... In Anglo-Saxon law that right was emerging at least as early as the  
 24

Magna Carta. See Crandall v Nevada, 6 Wall. 35, 44 [18 L Ed 745, 747]; Williams v Fears, 179 U. S. 270, 274 [45 L Ed 186, 188, 21 S Ct 128]; Edwards v California, 314 U. S. 160 [86 L Ed 119, 62 S Ct 164].” See also Aptheker v Secretary of State, 378 US 500, 12 L Ed 2d 992, 84 S Ct 1659.

3 The Right to Free Movement also includes the Fourth Amendment Right to be Free from  
4 Unreasonable Seizure and Restraint of my Person by Arrest which are under the Color and  
5 Guise of State Law (Police Power). The Right to Personal Liberty and the Right to Travel is  
6 is Regulated Right Not a Mere Conditional Granted Privilege. See: Blake v. McClung, 172 U.S. 239, 256,  
7 19 S. Ct. 165, 172, 43 L.Ed. 432. Edwards v. California, 314 U.S. 160, 62 S.Ct. 164, 86 L.Ed. 119 at 170. The Founding  
8 Fathers believed that the Right to Personal Liberty is the most sacred Right. See:  
9

"The fundamental maxims of a free government seem to require, that the rights of personal liberty and private property should be held sacred." Wilkinson v. Leland, 2 Pet. 627, 657, 27 U.S. 627, 7 L.Ed. 542. Thlede v. Scandia Valley, 14 N.W. 2d 400 at 405.

The Concepts of Personal Liberty have the Fourth and Fourteenth Amendments almost  
14  
15 Running into each other. The Protection overlaps each other in those Constitutional Guarantees.  
16 See: WOLF V. PEOPLE OF THE STATE OF COLO., 338 U.S. 25 (1949). Thus, protection of the Right to Personal  
17 Liberty is Protected by the Fourth and Fourteenth Amendments. The Right to Personal Liberty  
18  
19 is more than mere Grant by the Federal Constitution and beyond the mere Due Process  
20 Protection. This Right to Personal Liberty is Not Conditional Privilege granted by California  
21 Legislature. I don't need a Grant of Privilege from California Legislature.

**(# 6.) - (FALSE IMPRISONMENT BY ALAMEDA COUNTY  
SANTA RITA JAIL).**

25 The County of Alameda must share in the Liability because they Held me (Seized my  
26 Person) at Santa Rita Jail. They Falsely Imprisoned me for (1) Day so False Imprisonment is  
27 a Legitimate Cause of Action under Section 1983. The County of Alameda can be held liable

1 pursuant to a Conspiracy. I was Held Unjustly in Violation of the Fourth and Fourteenth  
2 Amendments. This is Not a Respondent Superior Action Against the County of Alameda. The  
3 County of Alameda is a Municipal Corporation and thus it is a Person under the Color of  
4 State Law and Pursuant to a Conspiracy. They the County of Alameda cannot Claim Qualified  
5 Immunity. They Held me at Santa Rita Jail for several hours and thus they must share Liability.  
6 Now to the agreement, I was Held in their Jail and taken there by Alameda County Sheriff  
7 Deputy working for the City of Dublin. She is also Named in the Complaint. Santa Rita Jail  
8 is the City of Dublin Jail by Contracted Services.

12 "[A] municipality is not entitled to the shield of qualified immunity from liability under S 1983." Brandon v. Holt,  
13 469 U.S. 464, 473 (1985); see also Chew v. Gates, 27 F.3d 1432, 1439 (9th Cir. 1994).

14 The County of Alameda must bear some of the Liability because I was Held Unlawfully  
15 in Their Jail. The County of Alameda is a Municipal Corporation and Liable for False  
16 Imprisonment. They have Contractual Agreement with all the Named Defendants.

18 **(IN CONCLUSION)**

19 In Conclusion I Move the Court to Grant the Fallowing Remedy in Damages and  
20 Punitive Damages.

22 **DAMAGES FROM CITY OF DUBLIN FOR FALSE ARREST AND UNLAWFULLY  
23 SEIZING AND TOWING MY VEHICLE \$ 2,500,000.00 = TWO MILLION FIVE HUNDRED THOUSAND  
DOLLARS.**

25 **DAMAGES FROM THE ALAMEDA COUNTY SHERIF'S DEPARTMENT FOR FALSE  
26 IMPRISONMENT AND CRUEL AND UNUSUAL PUNISHMENT \$ 250,000.00 = TWO HUNDRED  
FIFTY THOUSAND DOLLARS.**

27 **DAMAGES FROM CENTRAL TOWING AND TRANSPORTING FOR ACTING PURSUANT TO**

1 CONSPIRACY TO SEIZE MY VEHICLE IN VIOLATION OF THE FOURTH AMENDMENT AND  
2 FORFEITURE WITHOUT FORFEITURE HEARING. \$ 500,000.00 FIVE HUNDRED THOUSAND  
3 DOLLARS. PLUS FOR FORFEITURE OF MY VEHICLE LOSS OF MY PROPERTY FOR  
4 FOR A MONTH OR MORE \$ 50,000.00 = FIFTY THOUSAND DOLLARS.

5 I ALSO SEEK \$ 500,000.00 Five HUNDRED THOUSAND DOLLARS FROM EACH  
6 NAMED DEFENDANT FOR PUNITIVE DAMAGES AND I AVAIL MYSELF TO ANY  
7 OTHER REMEDIES OF THIS COURT, THAT IT DEEMS NECESSARY AND PROPER.

8 I SEEK \$50,000.00 FIFTY THOUSAND DOLLARS FOR ACTUAL LOSS OF  
9 VEHICLE USE FROM THE CITY OF DUBLIN.

10 I MOVE THE COURT TO GRANT ALL DAMAGES DEMANDED FOR IN THE  
11 COMPLAINT.

12 I WILLIAM J. WHITSITT, *William J. Whitsitt* THIS THE 13<sup>th</sup> DAY OF APRIL 2008, DO HEREBY DECLARE AND  
13 AFFIRM THAT ALL THE ABOVE FACTS ARE TRUE AND CORRECT UNDER THE PENALTY OF LAW.

14  
15 LET JUDICIAL NOTICE BE TAKEN HERE THAT A JURY TRIAL IS WAIVED AND I  
16 MASTER OF THIS CASE AND I WILL ALONE WILL DECIDE WHICH LAW IT WILL  
17 PROCEED UNDER. SEE: FAIR, THE, v. KOHLER DIE & SPECIALTY CO., 228 U.S. 22 (1913); FRANCHISE TAX BD.  
18 v. LABORERS VACATION TRUST, 463 U.S. 1 (1983); : Merrell Dow Pharmaceuticals, Inc. v. Thompson, 478 U.S. 804, 809  
, n. 6 (1986); Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987); Ultramar America Ltd. v. Dwelle, 900 F.2d 1412,  
1414 (9th Cir. 1990).

19  
20 I ALSO RETAIN THE RIGHT TO AMEND, ALTER COMPLAINT AS NEEDED AND TO ADD OR  
21 SUBTRACT DEFENDANTS AS NEEDED.

22  
23  
24 RESPECTFULLY SUBMITTED

25  
26 *William J. Whitsitt*  
27 WILLIAM J. WHITSITT  
28 DATED: April 13, 2008

## **DEFENDANTS CONTACT INFORMATION**

### **DUBLIN POLICE SERVICES**

**100 Civic Plaza  
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(925) 833-6670  
Fax (925) 828-2893**

### **CENTRAL TOWING AND TRANSPORT Tow Agency**

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(510) 797 - 5660**

### **Alameda County Sheriff's Office**

**Litigation  
Internal Affairs Section  
1401 Lakeside Drive, 7th Floor  
Oakland, California, 94612**

**Attn: Kelly Martinez - Civil**